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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,384	12/06/2001	Atsushi Fukuzato	05030020AA	5355

7590 10/14/2005

Michael E. Whitham, Esq.  
Whitham, Curtis & Christofferson, PC  
11491 Sunset Hills Road- #340  
Reston, VA 20190

EXAMINER

CONTEE, JOY KIMBERLY

ART UNIT PAPER NUMBER

2686

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

WHITHAM, CURTIS &  
CHRISTOFFERSON, PC  
OCT 18 2005

**Notice of Non-Compliance  
Amendment (37 CFR 1.121)**



Application No.

10/003,384

Examiner

Linda W. Badie

Applicant(s)

FUKUZATO, ATSUSHI

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on \_\_\_\_\_ is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

*Linda W. Badie* 571-272-7019



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Paper No.

**Letter Withdrawing a Notice of Non-Compliant Amendment**

The Notice of Non-Compliant Amendment mailed on 10-14-05 was sent in error, and is hereby withdrawn. The application is being forwarded to the examiner for appropriate action. (Note: this letter does not apply to any Notice of Non-Compliant Amendment where the amendment was a reply to a final Office action.)

Lynette B. Davis  
Legal Instruments Examiner (LIE)

571-272-7019  
Telephone No.

**October 19, 2005**

**To: Linda Handler**

**From: Linda Badie  
Patent & Trademark Office  
571-272-7019**

OCT 19 2005

**Phone: 703-787-7557**

**Pages: 3**

**Attached is the letter of withdrawal of previous non-compliance and a new one attached.**

**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

Application No.

10/003,384

Examiner

Linda W. Badie

Applicant(s)

FUKUZATO, ATSUSHI

Art Unit

2681

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  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: CLAIM 9 is incomplete.

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- Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or
- Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.